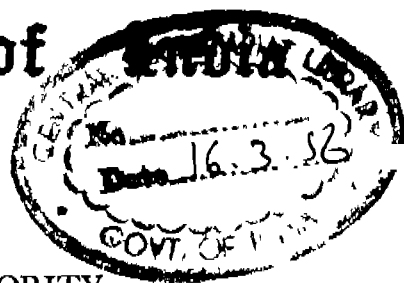


The Gazette



of



EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

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MINISTRY OF LAW

New Delhi, the 2nd March 1956

The following Act of Parliament received the assent of the President on the 1st March, 1956 and is hereby published for general information:—

THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) ACT, 1956

No. 2 OF 1956

[1st March, 1956]

An Act further to amend the Representation of the People Act, 1950, and to make certain consequential amendments in the Government of Part C States Act, 1951.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People Short title. (Amendment) Act, 1956.

43 of 1950. 2. In section 2 of the Representation of the People Act, 1950 Amendment (hereafter in this Act referred to as the principal Act), in sub-section of section 2. (1),—

(a) in clause (b), for the words and figure “by order made under section 9”, the words “by law” shall be substituted;

(b) in clause (cc), for the words “Council of States”, the words “electoral college” shall be substituted;

(c) in clause (f), for the words and figure “by section 6 or by order made thereunder”, the words “by law” shall be substituted;

(d) after clause (h), the following clause shall be added at the end, namely:—

“(i) ‘State Government’, in relation to a Part C State, means the Lieutenant-Governor or Chief Commissioner thereof.”.

Amendment of section 3A. 3. In section 3A of the principal Act, sub-section (2) shall be omitted.

Omission of section 5. 4. Section 5 of the principal Act shall be omitted.

Omission of section 8. 5. Section 8 of the principal Act shall be omitted.

Amendment of section 9. 6. In section 9 of the principal Act, in clause (a), after the words “each State”, the words “specified in the Second Schedule” shall be inserted.

Amendment of section 12. 7. In section 12 of the principal Act, the words and figures “section 6, section 9 or” shall be omitted.

Amendment of section 13. 8. In section 13 of the principal Act,—
(a) sub-section (1) and sub-section (2) shall be omitted; and
(b) in sub-section (3), the words and figures “section 6, section 9” shall be omitted.

Insertion of new Parts II-A and II-B. 9. After Part II of the principal Act, the following Parts shall be inserted, namely:—

“PART II-A

OFFICERS

Chief electoral officers.

13A. (1) There shall be for each State a chief electoral officer who shall be such officer of Government as the Election Commission may, in consultation with that Government, designate or nominate in this behalf.

(2) Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer shall supervise the preparation, revision and correction of all electoral rolls in the State under this Act.

Electoral registration officers.

13B. (1) The electoral roll for each assembly constituency, electoral college constituency and council constituency shall be prepared and revised by an electoral registration officer who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf.

(2) An electoral registration officer may, **subject to** any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the constituency.

13C. (1) The Election Commission may appoint one or more persons as assistant electoral registration officers to assist any electoral registration officer in the performance of his functions. Assistant electoral registration officers.

(2) Every assistant electoral registration officer shall, subject to the control of the electoral registration officer, be competent to perform all or any of the functions of the electoral registration officer.

PART II-B

ELECTORAL ROLLS FOR PARLIAMENTARY CONSTITUENCIES

13D. The electoral roll for every parliamentary constituency shall consist of the electoral rolls of so much of the assembly constituencies or, as the case may be, electoral college constituencies as are comprised within that parliamentary constituency; and it shall not be necessary to prepare or revise separately the electoral roll for any parliamentary constituency.” Electoral roll for parliamentary constituencies.

10. In Part III of the principal Act, for the heading, the following heading shall be substituted, namely:— Substitution of new heading for the heading of Part III.

“ELECTORAL ROLLS FOR ASSEMBLY AND ELECTORAL COLLEGE CONSTITUENCIES”.

11. For section 14 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 14.

“14. In this Part, unless the context otherwise requires,— Definitions.

(a) ‘constituency’ means an assembly constituency or an electoral college constituency;

(b) ‘qualifying date’, in relation to the preparation or revision of every electoral roll under this Part, means the 1st day of March of the year in which it is so prepared or revised.”.

12. In section 17 of the principal Act, after the word ‘constituency’, the words ‘in the same State’ shall be inserted. Amendment of section 17.

Substitution
of new sec-
tion for sec-
tion 19.

Conditions of
registration.

13. For section 19 of the principal Act, the following section shall be substituted, namely:—

“19. Subject to the foregoing provisions of this Part, every person who, on the qualifying date—

(a) is not less than 21 years of age, and

(b) is ordinarily resident in a constituency,

shall be entitled to be registered in the electoral roll for that constituency.”.

Amendment
of section 20.

14. In section 20 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) A member of the armed forces of the Union shall be deemed to be ordinarily resident on any date in the constituency in which, but for his service in the armed forces, he would have been ordinarily resident on that date.”;

(b) in sub-section (4), the words “during any period or” and the words “during that period or” shall be omitted;

(c) in sub-section (5), the words “during any period or” shall be omitted;

(d) in sub-section (6), the words “during any period” and the words “during that period” shall be omitted; and

(e) sub-section (7) shall be omitted.

Substitution
of new sec-
tions for
sections 21
to 25.

15. For sections 21 to 25 of the principal Act, the following sections shall be substituted, namely:—

Preparation
and revision
of electoral
rolls.

“21. (1) The electoral roll for each constituency shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

(2) The said electoral roll shall thereafter be revised in every subsequent year in the prescribed manner by reference to the qualifying date:

Provided that if for any reason the electoral roll is not revised in any year the validity or continued operation of the electoral roll shall not thereby be affected.

(3) Notwithstanding anything contained in sub-section (2), the Election Commission may at any time, for reasons to be

recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit:

Provided that subject to the other provisions of this Act, the electoral roll for the constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

22. (1) The electoral registration officer for a constituency, on application made to him for the correction of an existing entry in the electoral roll of the constituency, shall, if he is satisfied after such inquiry as he thinks fit, that the entry relates to the applicant and is erroneous or defective in any particular, amend the entry accordingly.

Correction of
entries in
electoral
rolls.

(2) Any person whose name is entered in the electoral roll of a constituency may apply to the electoral registration officer for transposing the entry to another place in the same electoral roll and if the electoral registration officer, after making such enquiry as he thinks fit, is satisfied that the applicant is entitled to have his name shown in that other place, he shall amend the electoral roll accordingly.

23. (1) Any person whose name is not included in the electoral roll of a constituency may apply in the manner herein-after provided for the inclusion of his name in that roll.

Inclusion of
names
electoral
rolls.

(2) Where an application under sub-section (1) is made at any time after the issue of a notification calling upon that constituency or the parliamentary constituency within which that constituency is comprised, to elect a member or members and before the completion of that election, it shall be made to the chief electoral officer; and in any other case, it shall be made to the electoral registration officer of that constituency.

(3) The chief electoral officer or, as the case may be, the electoral registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein:

Provided that if the applicant is registered in the electoral roll of any other constituency in the same State, the chief electoral officer or, as the case may be, the electoral registration officer shall inform the electoral registration officer of that constituency and that officer shall, on receipt of the information, strike off the applicant's name from that electoral roll.

(4) Where an application made under this section is rejected an appeal shall lie within such time and in such manner as may be prescribed—

(a) to the chief electoral officer, where the application is rejected by the electoral registration officer; and

(b) to the Election Commission, where the application is rejected by the chief electoral officer.

(5) Every application and appeal under this section shall be accompanied by the prescribed fee which shall in no case be refunded.”.

Substitution
of new head-
ing for the
heading of
Part IV.

16. In Part IV of the principal Act, for the heading, the following heading shall be substituted, namely:—

“ELECTORAL ROLLS FOR COUNCIL CONSTITUENCIES”.

Omission of
section 26.

17. Section 26 of the principal Act shall be omitted.

Amendment
of section 27.

18. In section 27 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) For the purpose of elections to the Legislative Council of a State in any local authorities’ constituency—

(a) the electorate shall consist of members of such local authorities exercising jurisdiction in any place or area within the limits of that constituency as are specified in relation to that State in the Fourth Schedule;

(b) every member of each such local authority within a local authorities’ constituency shall be entitled to be registered in the electoral roll for that constituency;

(c) the electoral registration officer for every local authorities’ constituency shall maintain in his office in the prescribed manner and form the electoral roll for that constituency corrected up-to-date;

(d) in order to enable the electoral registration officer to maintain the electoral roll corrected up-to-date, the chief executive officer of every local authority (by whatever designation such officer may be known) shall immediately inform the electoral registration officer about every change in the membership of that local authority; and the electoral registration officer shall, on receipt of the information, strike off from the electoral

roll the names of persons who have ceased to be, and include therein the names of persons who have become, members of that local authority; and

(e) the provisions of sections 15, 16, 18, 22 and 23 shall apply in relation to local authorities' constituencies as they apply in relation to assembly constituencies.”;

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The provisions of sections 15, 16, 18, 21, 22 and 23 shall apply in relation to graduates' constituencies and teachers' constituencies as they apply in relation to assembly constituencies.”;

(c) in sub-section (5), clause (a) shall be omitted, and clauses (b) and (c) shall be re-lettered respectively as clauses (a) and (b);

(d) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) For the purposes of sub-sections (4) and (5) the qualifying date shall be the 1st day of January of the year in which the electoral roll is prepared or revised.”.

19. In section 27A of the principal Act, in sub-section (1), the words “or group of States” and the proviso shall be omitted. Amendment of section 27A.

20. In sections 27B and 27C of the principal Act, for the words “Council of States constituencies” wherever they occur, the words “electoral college constituencies” shall be substituted. Amendment of sections 27B and 27C.

21. Section 27E of the principal Act shall be omitted. Omission of section 27E.

22. Section 27F of the principal Act shall be omitted. Omission of section 27F.

23. In section 27H of the principal Act, the words “or group of States” shall be omitted. Amendment of section 27H.

24. In section 28 of the principal Act,— Amendment of section 28.

(a) in sub-section (2), for clause (h), the following clause shall be substituted, namely:—

“(h) the revision and correction of electoral rolls and inclusion of names therein;” ; and

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) All rules made under this Act shall, as soon as may be after they are made, be laid for not less than thirty days

before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.”.

Substitution of new section for section 29. 25. For section 29 of the principal Act, the following section shall be substituted, namely:—

Staff of local authorities to be made available.

“29. Every local authority in a State shall, when so requested by the chief electoral officer of the State make available to any electoral registration officer such staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral rolls.”.

Amendment of the Fourth Schedule.

26. In the Fourth Schedule to the principal Act,—

(a) under the sub-heading “Bihar”, item “5. The Patna Administration Committee” shall be omitted;

(b) under the sub-heading “Madras”, in item 4, for the words “Major Panchayats”, the words and figure “Class I Panchayats” shall be substituted; and

(c) under the sub-heading “Punjab”, item “4. Small Town Committees” shall be omitted.

Omission of the Sixth and Seventh Schedules.

27. The Sixth and Seventh Schedules to the principal Act shall be omitted.

Consequential amendments in the Government of Part C States Act, 1951.

28. In the Government of Part C States Act, 1951,—

49 of 1951.

(a) in section 2,—

(i) in sub-section (1), in clause (b), for the words, brackets and figures “by order made under sub-section (2) of section 4”, the words “by law” shall be substituted;

(ii) sub-section (2) shall be omitted;

(b) in section 4, sub-section (1) shall be omitted;

(c) section 6 shall be omitted;

(d) the First and Second Schedules shall be omitted.

Repeal of Ordinance 7 of 1955.

29. The Representation of the People (Amendment) Ordinance, 1955, is hereby repealed.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.